

Office of the Public Defender

Staff Presentation
FY 2015 Revised and FY 2016 Budgets
April 30, 2015

1

Public Defender

- Created in 1941 by Chapter 1007 of the Public Laws
 - Office and its functions defined by RIGL12-15
 - RIGL 14-1 authorizes referral of juvenile cases to the Office
 - RIGL 40-11 authorizes referral of dependency, neglect and termination of parental rights cases
 - Offices located in five Judicial Complexes
 - Providence (2), Kent, Washington, and Newport

2

Public Defender

- Statutory mandates
 - Legal representation to adults and juveniles without financial resources to obtain private counsel
 - Representation services include
 - Indigent adult and juvenile criminal felony and misdemeanor offenses
 - Termination of parental rights and dependency and neglect cases
 - Appellate representation in the Supreme Court

3

Public Defender

- Conflicts of Interest
 - When interests of a client is adverse to that of another client
 - Client(s) can be referred to the Judicial Indigent Defense program
 - The Judiciary assigns private attorneys to provide representation services
 - Each court maintains a list of qualified attorneys

4

Caseload Standards

- National Legal Aid and Defenders Association sets caseload standards
 - Only national organization of public defenders
- Felony Cases
 - National standard: 150 cases per attorney
- Misdemeanor Cases
 - National standard: 400 cases per attorney
- OMB Performance Measures
 - Misdemeanor Caseload: Office's average attorney caseload exceeded national standards by over 160 percent in each of last three fiscal years

5

Caseload Standards

- Limitations of NLADA caseload standards
 - Date back to the 1970s
 - Broadness of the case types
 - No case weights
 - Not empirically based
 - Most states do not meet the standards
 - 2007 USDOJ study

6

Expenditures by Source

(in Millions)	FY 2015 Enacted	FY 2015 Gov. Rev.	FY 2016 Governor	FY 2016 Change to Enacted
General Revenues	\$ 11.1	\$ 11.0	\$ 11.6	\$ 0.5
Federal Funds	0.2	0.2	0.1	(\$ 0.2)
Total	\$ 11.4	\$ 11.2	\$ 11.7	\$ 0.3
<i>FTEs</i>	<i>93.0</i>	<i>93.0</i>	<i>93.0</i>	-

7

Budget Office Target

- General revenue target of \$10.8 million
 - Current service adjustments of \$0.5 million
 - 7.5% target reduction of \$0.8 million
 - Constrained budget submitted by the Office is \$0.1 million below the target
- Governor recommended budget exceeds target by \$0.8 million

8

Target Reduction

- Office proposed 3 different options to meet the Budget Office target
 - Option 1: Eliminate misdemeanor representation in District Courts statewide
 - Option 2: Eliminate juvenile representation in Family Courts statewide
 - Option 3: Close offices in Newport & Washington counties & eliminate representation for felony violations in Providence
- Governor does not recommend any of these proposals

9

Salaries and Benefits *Full-Time Equivalent Positions*

Full-Time Positions	FTEs	Change to Enacted
Enacted Authorized	93.0	-
FY 2015 Rev. Req.	93.0	-
FY 2016 Request	93.0	-
FY 2016 Governor	93.0	-
FY 2014 Average Filled	90.8	(2.2)
Filled as of April 18	88.0	(5.0)

10

Salaries and Benefits

- Governor recommends \$9.9 million from general revenues for FY 2015 Revised
 - \$0.1 million less than enacted, \$36,777 less than requested
 - Cost-of-Living Adjustment
 - Turnover savings
 - Statewide medical benefit savings

11

Salaries and Benefits

- Governor includes \$10.4 million, all from general revenues for 93.0 FTEs for FY 2016
 - \$0.4 million more than enacted, \$0.1 million less than requested
 - Cost-of-Living Adjustment
 - Turnover savings

12

Other Operations

- Governor recommends \$1.3 million from all funds for all other expenses for FY 2016
 - \$1.2 million from general revenues, \$0.1 million from federal funds
 - Rent and parking expenses
 - Intake interviewers
 - Trial related expenses

13

Other Operations

- Recommendation is \$73,432 less than enacted from all funds
 - \$97,096 reduction in federal grant for case management services
 - \$11,293 increase to renew lease at headquarters
 - \$15,120 more for court overhead charges

14

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